

The Agenda Review Session of the Board of Public Works was convened at 10:31 a.m. on September 19, 2024, by Board President Elizabeth A. Maradik (absent), Vice President Joseph Molnar (absent), and Board Members Gary Gilot, Murray Miller, Briana Micou, and Board Attorney Michael Schmidt present. The Board of Public Works Clerk, Theresa Heffner, presented the Board with a proposed agenda of items presented by the public and by City Staff.

AGENDA REVIEW SESSION ACTION ITEMAWARD QUOTATION AND APPROVE CONTRACT – BOHEM PARK MILL AND RESURFACE – (PR-00035865)

Rebecca Maenhout, VPA, advised the Board that on August 22, 2024, quotations were received and opened for the above referenced project. After reviewing those quotations, Ms. Maenhout recommended that the Board award the contract to the lowest responsive and responsible quoter, Rieth-Riley Construction Co., Inc., in the amount of \$27,543.20. Therefore, Mr. Miller made a motion that the recommendation be accepted, and the quotation be awarded, and the contract approved as outlined above. Ms. Micou seconded the motion, which carried by roll call.

Board members discussed the following item(s) from the agenda.

CHANGE ORDERS

Project Manager Patrick Sherman was present to discuss item 7. A.: Seitz Park Renovation. He advised that it was a substantial change order with a big chunk of it was for the wall repair. Even though the total percentage of change orders is now forty-three percent (43%) of the original contract, the vast majority of it was unforeseen issues that had to be dealt with because of the hydro plant or old infrastructure. Outside of the unforeseen conditions, the normal change orders have been about twelve percent (12%). This should be the last additive change order for this project as we expect to close it out in the near future.

Murray Miller asked if item 11. B.: Amendment No. 1 to Project Agreement to Perform Work on Stephenson Mills Parking Lot was related to the Seitz Park Project. Mr. Sherman advised that it did not, but he would talk about that item in a moment.

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Project Manager Sherman was present to discuss item 11. C.: Amendment to Contract for Additional Inspection Services to finish out Seitz Park. He advised that this amendment was to finalize and close this out. Their previous amendment was only supposed to take them out until July but this stretches us out until September so this should close us out for the remainder of the project.

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Project Manager Sherman was present to discuss item 11. B.: Amendment No. 1 to Project Agreement to Perform Work on Stephenson Mills Parking Lot. He advised that that the city will be redoing Gintz Drive and the parking lot at Stephenson Mills. The city worked hard with the adjacent property owners, including Stephenson Mills to create a design that works for everybody around this agreement. We believe this will be beneficial to the Cascades building because it's going to raise the road and make it easy to access their loading dock. We will also raise the sidewalks at Stephenson Mills to create easier ADA access. This will fulfill our contractual obligation to redo their parking lot.

Mr. Gilot asked about any concerns down the road. Mr. Sherman advised that there is a three (3) year maintenance bond just like any other city project.

Mr. Gilot noted that it is unusual for the city to pay other people's legal costs. He asked if there is enough language that occurs that carves out a rare exception for this. Board Attorney Michael Schmidt advised that it was part of the negotiation related to the overall project. There was extensive amounts of legal engagement from Stevenson's mills outside counsel throughout a long duration and frankly it's probably a lot cheaper number than what they have in on this. It's been a difficult process for the last number of years, but the work that Public Works Director Eric Horvath and Project Manager Patrick Sherman and the engineering team put in to not only get it done, but also to pull it together was impressive. There's also other parties and a variety of different city boards that need to sign off on this as well as Notre Dame.

Mr. Miller asked if there was a particular day when the paving must be done or did the specifications say it should be done by November 30, 2024. Mr. Sherman noted that it has been all cleared up and the notice to proceed should be going out soon.

Mr. Gilot asked if there would still be time to do the wearing surface. Director Horvath stated that they anticipate being done well before that. The plants probably close around November 15, 2024, the temperature constraint on wearing.

CHANGE ORDERS AND PROJECT COMPLETION AFFIDAVITS

Project Manager Sherman was present to discuss item 8. A.: Charles Black Parking Lot Seal and Stripe. He advised that the city awarded the project to Alphajak LLC, but it became clear that they were not able to do the work as required by the city and specifications. They met with them multiple times and they finally agreed that we were going to close the project out and pay them for the work they did via change order.

PROJECT COMPLETION AFFIDAVITS

Diversity Compliance/Inclusion Officer Cynthia Simmons inquired about the sub-contractors for item 9. A.: City of South Bend Wayfinding Signage Program Phase III. She noted that she did not see any evidence of the two (2) sub-contractors being paid. She added that she will reach out to both sides to find out, until then the project should not be closed out. There was also no change in utilization provided.

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Director of Environmental Compliance Andrea Alexander was present to discuss item 11. D.: Construction Access and Installation Agreement to construct A Methane Biofilter System at Organic Resources. She advised that Parsons Environmental & Infrastructure Group would like to build another methane biofilter at the Organic Resource closed biosolids landfill, quite similar to the biofilter they've done at Fredrickson Park. They've had much success with that filter, so they would like to continue to develop it. They want to continue to look at Midwest climates and the landfill at Organic Resources does have more methane to it than what they're seeing out at Fredrickson Park.

Mr. Gilot asked if the flair was used to predict or did the biofilter negate the flair. Director Alexander stated that the flair is a flame and to her knowledge they have never used it at Frederickson Park.

Director Alexander added that the subsurface and the biofilter use the vacuum to bring it to the biofilter. Prior to the pilot, it all went into the atmosphere. Now, some of it goes through the biofilter and it is broken down into CO2 and water, which CO2 still being greenhouse gas, but it's less destructive. It is the same point of depression with the flare, but you're not seeing the methane. The object of this technology is to develop something that's a "set and forget" kind of treatment so that's our goal. They are developing some remote monitors at Fredrickson Park so they don't actually have to go there and test.

Mr. Gilot asked if they have anything to keep optimal moisture content. Director Alexander noted that she can't speak to that, but they use inorganic media to try to put nutrients or food in there, so you don't have to put a lot of work into it. She added that she is still waiting on comments from IDEM, but the initial discussions she's had with them they seem very excited about it. Attorney Schmidt advised that it similar to the one at Frederickson Park.

Mr. Gilot stated that the reason they are doing it for free is because they want to market this product and enable some pilots. At some point Legal should be involved in what sort of testimonials the city can offer. Director Alexander noted that yes, technically for the license protection, there's indications on testimonials.

PROJECT COMPLETION AFFIDAVITS

Attorney Schmidt advised the Board about goals for item 9.B: WWTP Compressor Building Masonry Improvements. He advised that they met the goals for the project and they actually came close to doubling them. He stated this was a good outcome, and kudos to Slatile Roofing on that project.

LICENSES AND PERMITS

Attorney Schmidt was present to discuss item 12. B.: Open Air Business – Wayne Street Wieners. He noted that a gentleman would like to set up a hot dog stand during football weekends downtown. There are no provisions that he could find in the ordinance as to the hours when they should be off the streets. There is no legal prohibition. Maybe we can approve subject to making sure that it’s going ok. If we hear about problems, we may restrict some of the hours so we can be sure everyone is safe.

Mr. Gilot added that there are pan-zoom cameras on that street unless they have been removed. Director Horvath advised that they were removed. Mr. Gilot stated that maybe we could have SBPD observe the person for several days.

PRIVILEGE OF THE FLOOR

ADJOURNMENT

There being no further business to come before the Board, Mr. Gilot adjourned the meeting at 10:51 a.m.

CITY OF SOUTH BEND, INDIANA  
BOARD OF PUBLIC WORKS

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Elizabeth A. Maradik, President



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Gary A. Gilot, Member



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Murray L. Miller, Member

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Joseph R. Molnar, Vice President



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Briana Micou, Member



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Attest: Theresa M. Heffner, Clerk

Date: October 8, 2024

REGULAR MEETING

SEPTEMBER 24, 2024

The Regular Meeting of the Board of Public Works was convened at 9:30 a.m. on Tuesday, September 24, 2024, by Board President Elizabeth A. Maradik in the 13<sup>th</sup> Floor Conference Room of the County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana. The meeting was also streamed live to the public via Microsoft Teams. Board Clerk Theresa Heffner confirmed the presence of Board President Elizabeth A. Maradik, Vice President Joseph Molnar, and Board Members Gary Gilot, Murray Miller, Briana Micou (arrived at 9:31 a.m.), and Board Attorney Michael Schmidt, with a roll call. President Maradik reminded virtual attendees to mute their microphones and turn off their cameras when not speaking, and to save their questions and comments for the Privilege of the Floor.

APPROVE MINUTES OF PREVIOUS MEETING

Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the minutes for the Agenda Review Session and Regular Meetings of the Board held on September 5, and September 10, 2024, were approved. Breana Micou was not present to vote on this item.

PUBLIC HEARING - NEW MASSAGE ESTABLISHMENT LICENSE

President Maradik advised that this was the date set for the Board’s Public Hearing concerning and license application for KR Rose Spa. It was noted favorable recommendations were received from Community Investments, Fire and Police. There being no one else present wishing to address the Board concerning this matter, the Public Hearing was closed. Therefore, upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the was approved.

**OPENING OF BIDS – 2024 TRAFFIC CALMING – PROJECT NO. 123-075 (PR-00035440)**

This was the date set for receiving and opening sealed bids for the above referenced project. The Clerk tendered proof of publication of the Notice in the South Bend Tribune, which was found to be sufficient. The following bids were opened and publicly read:

**SELGE CONSTRUCTION CO., INC.**

2833 South 11th Street  
Niles, MI 49120

[aswinehart@selgeconstruction.com](mailto:aswinehart@selgeconstruction.com); [jbutler@selgeconstruction.com](mailto:jbutler@selgeconstruction.com)

Bid was signed by Mr. Justin Butler

Non-Collusion, Non-Discrimination Affidavit Form was incomplete

Five percent (5%) Bid Bond was submitted

Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.

One (1) of One (1) Addendum(s) Acknowledgement received.

BID:

<b>Base Bid Total</b>	\$310,720
<b>Alternate #1</b>	\$45,000
<b>Alternate #2</b>	\$25,290

**RIETH-RILEY CONSTRUCTION CO., INC.**

25200 State Road 23  
South Bend, IN 46614

[dsnodderly@rieth-riley.com](mailto:dsnodderly@rieth-riley.com)

Bid was signed by Ruben Alvarado

Non-Collusion, Non-Discrimination Affidavit Form was completed.

Five percent (5%) Bid Bond was submitted.

Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.

One (1) of One (1) Addendum(s) Acknowledgement received.

BID:

<b>Base Bid Total</b>	\$316,432
<b>Alternate #1</b>	\$74,400
<b>Alternate #2</b>	\$22,097

**MILESTONE CONTRACTORS, L.P.**

24358 State Road 23  
South Bend, IN 46614

[akrueger@milestonelp.com](mailto:akrueger@milestonelp.com); [epillipow@milestonelp.com](mailto:epillipow@milestonelp.com)

Quotation was submitted by Mr. Dustin P. Hilary

Non-Collusion, Non-Discrimination Affidavit Form was complete

Five percent (5%) Bid Bond was submitted

Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.

One (1) of One (1) Addendum(s) Acknowledgement received.

BID:

<b>Base Bid Total</b>	\$320,968
<b>Alternate #1</b>	\$43,200
<b>Alternate #2</b>	\$33,544

**PREMIUM CONCRETE SERVICES, INC.**

712 Richmond St.  
Elkhart, IN 46516

[max@premiumservices.group](mailto:max@premiumservices.group)

Quotation was submitted by Mr. Max Yeakey

Non-Collusion, Non-Discrimination Affidavit Form was completed.

Five percent (5%) Bid Bond was submitted.

Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.

One (1) of One (1) Addendum(s) Acknowledgement received.

BID:

<b>Base Bid Total</b>	\$281,670
<b>Alternate #1</b>	\$94,800
<b>Alternate #2</b>	\$22,960

Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above bids were referred to Public Works for review and recommendation.

**OPENING OF BIDS – SBFD CENTRAL FIRE STATION ROOFING REPLACEMENT– PROJECT NO. 124-032A (PR-00035507)**

This was the date set for receiving and opening sealed bids for the above referenced project. The Clerk tendered proof of publication of the Notice in the South Bend Tribune, which was found to be sufficient. The following Bids were opened and publicly read:

**MIDLAND ENGINEERING COMPANY, INC.**

52369 State Road 933 North

South Bend, IN 46637

[midland@midlandengineering.com](mailto:midland@midlandengineering.com)

Bid was signed by Mr. Landon Conrad

Non-Collusion, Non-Discrimination Affidavit Form was not submitted.

Five percent (5%) Bid Bond was not submitted.

Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.

BID:

<b>Base Bid Total</b>	\$615,400
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Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above bids were referred to Public Works for review and recommendation.

**OPENING AND AWARD OF QUOTATIONS AND APPROVE CONTRACTS – 2024 THERMOPLASTIC STRIPING – PROJECT NO. 124-025 (PR-00034249)**

President Maradik advised that this was the date set for the receiving and opening of sealed quotations for the above referenced project. The following quotations were opened and read:

**TRAFFIC CONTROL SPECIALISTS, LLC DBA HIGH STAR TRAFFIC**

1810 W. Pacific Ave.

Knox, IN 46534

[estimating@highstartraffic.com](mailto:estimating@highstartraffic.com)

Quotation was submitted by Mr. Patrick Flaherty

Non-Collusion, Non-Discrimination Affidavit Form was completed.

QUOTATION:

<b>Base Quote</b>	\$14,811.90
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**CE HUGHES MILLING INC. DBA THE AIR MARKING COMPANY**

1544 N. State Road 25

Rochester, IN 46975

[nick@airmarking.com](mailto:nick@airmarking.com)

Quotation was submitted by Ms. Caroline Hughes

Non-Collusion, Non-Discrimination Affidavit Form was completed.

QUOTATION:

<b>Base Quote</b>	\$12,390
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President Maradik advised the board that the project has been deemed non goal eligible with respect to MWBE subcontracting requirements following review from the Office of Diversity

and Inclusion, the Legal Department, and Engineering since it cannot be reasonably subdivided and is below the \$50,000 threshold.

Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above quotations were referred to Public Works for review and recommendation.

After review by Public Works, the Board voted to award the quotation. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the quote was awarded to Air Marking Co. in the amount of \$12,390.

AWARD QUOTATION AND APPROVE CONTRACT – RIVERSIDE & JOYCE DR. SHOULER REPAIR – PROJECT NO. 124-059 (PR-00035803)

Scott Kreeger, Engineering, advised the Board that on September 10, 2024, quotations were received and opened for the above referenced project. After reviewing those quotations, Mr. Kreeger recommended that the Board award the contract to the lowest responsive and responsible quoter, Acorn Landscaping, LLC., in the amount of \$17,569. Therefore, VP Molnar made a motion that the recommendation be accepted, and the quotation be awarded, and the contract approved as outlined above. Mr. Miller seconded the motion, which carried by roll call.

APPROVE CHANGE ORDER NO. 10 – SEITZ PARK RENOVATION – PROJECT NO. 117-093 (PO-0006342)

President Maradik advised that Patrick Sherman, Engineering, has submitted change order number 10 on behalf of Ziolkowski Construction Inc., indicating the contract amount be increased by \$887,052.02 for a new contract sum, including this change order, in the amount of \$10,231,639.80. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the change order was approved.

APPROVE CHANGE ORDER NO. 1 (FINAL) AND PROJECT COMPLETION AFFIDAVIT – CHARLES BLACK PARKING LOT SEAL – PROJECT NO. 124-021 (PO-0030338)

President Maradik advised that Patrick Sherman, Engineering, has submitted change order number 1 (final) on behalf of Alphajak, LLC., indicating the contract amount be decreased by \$16,035.36 for a new contract sum, including this change order, of \$10,000. Also submitted was the project completion affidavit indicating this new final cost of \$10,000. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, change order number 1 (final) and the project completion affidavit were approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – CITY OF SB WAYFINDING SIGNAGE PROGRAM, PHASE III – PROJECT NO. 123-013 (PO-00029007)

President Maradik advised that Kyle Ludlow, Engineering, has submitted the project completion affidavit on behalf of Geograph Industries, Inc., for the above referenced project, indicating a final cost of \$187,234. Upon a motion to table made by VP Molnar, seconded by Mr. Miller and carried by roll call, the project completion affidavit was tabled.

APPROVE PROJECT COMPLETION AFFIDAVIT – WWTP COMPRESSOR BUILDING MASONRY IMPROVEMENTS – PROJECT NO. 121-046 (PO-0020775)

President Maradik advised that Jacob Klosinski, Engineering, has submitted the project completion affidavit on behalf of Slatile Roofing and Sheet Metal Co., Inc., for the above referenced project, indicating a final cost of \$550,770. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the project completion affidavit was approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS – MOMENTUM TIF PROJECT – SITE WORK – PROJECT NO. 124-018 (PR-00036154)

In a memorandum to the Board, Zach Hurst, Engineering, requested permission to advertise for the receipt of bids for the above referenced project. Therefore, upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above request was approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS – PUBLIC WORKS SERVICE CENTER ROOFING REPLACEMENT – PROJECT NO. 124-032B (PR-00033345)

In a memorandum to the Board, Lidya Abreha, Engineering, requested permission to advertise for the receipt of bids for the above referenced project. Therefore, upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above request was approved.

APPROVAL OF AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

The following agreements/contracts/proposals/addenda were submitted to the Board for approval:

Type	Business	Description	Amount/ Funding	Motion/ Second
Water Service and Sewer Lateral Construction Agreement	Heritage Townhomes, LLC	Agreement for the developer of the Heritage Townhomes on South Bend Ave. to reimburse the City for water service and sewer laterals installed for the development as part of the ND-DTSB Trail project.	\$40,699.55 (estimate, paid by the developer to the City)	Molnar / Miller
Amendment No. 1 to Project Agreement	FREG South Bend Holdings, LLC	Amendment No. 1 to Project Agreement to Perform Work on Stephenson Mills Parking Lot and Cover Some of their Legal Costs Associated with the Agreement	\$2,500 (PR-0003614)	Molnar / Miller
Amendment No. 4 to Owner-Engineer Agreement	Lochmueller Group, Inc.	Amendment No. 4 to Contract for Additional Inspection Services to Finish out Seitz Park	\$38,470 (PR-0007779)	Molnar / Miller
Construction Access and Installation Agreement	Parsons Environment & Infrastructure Group, Inc.	Construction of Methane Biofilter System at Organic Resources	No Cost to City	Molnar / Miller
Amendment No. 4 to Professional Services Agreement	Donohue & Associates	Additional Water Main and Treatment Plant Design Services for the South Well Field Water Treatment Plant Improvements	\$126,500 (PO-0000038)	Molnar / Miller

APPROVAL OF LICENSE AND PERMIT APPLICATIONS

The following license and permit applications were presented for approval:

Applicant	Description	Date/Time	Location	Motion Carried
LAZ Parking Midwest, LLC	Public Parking Facility License Renewal		119 W. Wayne St.	Molnar / Miller *
Wayne Street Wiener	Open-Air Business	Thursday-Saturday/11:00 p.m. to 3:00 a.m.	236 S. Michigan St.	Molnar / Miller **

\*Contingent on licensee placing rates signage and contact information at both entrances

\*\*Subject to all ADA ramps and hydrants not being impeded at intersection and subject to review and revocation if there are any issues related to the business operating given the late hours

APPROVAL OF REVOCABLE PERMIT FOR ENCROACHMENT – ACCESS IMPRINTED

President Maradik stated an application for an encroachment and revocable permit has been received from Access Imprinted for the purpose of allowing the installation of blade mounted illuminated cabinet sign to be placed in the right-of-way at 714 E. LaSalle Ave. The encroachment shall remain in the right of way until the time as the Board of Public Works of the City of South Bend shall determine that such encroachment is in any way impairing or interfering with the highway or with the free and same flow of traffic.

Mr. Gilot asked if the sign is flush mounted or cantilevered. He also wanted to be sure that the City is not setting a precedent that anyone can advertise anything in the public right of way. VP Molnar advised that it is cantilevered. President Maradik noted that it is a business sign for the business.

Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the encroachment and revocable permit was approved.

FAVORABLE RECOMMENDATION - PETITION TO VACATE THE EAST/WEST ALLEY BETWEEN 512 S. WALNUT ST. AND 514 S. WALNUT ST.

President Maradik indicated that Mr. Eduardo Rodriguez has submitted a request to vacate the above referenced alley. President Maradik advised the Board is in receipt of favorable recommendations concerning this vacation petition from the Public Works Department, Fire Department, Police Department, and Community Investment who all state the request does meet the criteria of I.C. 36-7-3-13. Therefore, VP Molnar made a motion to send a favorable recommendation to the Common Council. Mr. Miller seconded the motion which carried by roll call.

APPROVE/DENY TRAFFIC CONTROL DEVICES

Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the following traffic control device request was approved:

NEW INSTALLATION: Two (2) Honorary Street Sign  
 LOCATION: Intersections of Portage Ave. & Angela Blvd. and Portage Ave. & Elwood Ave.  
 Honorable Ray Snyder Blvd.  
 REMARKS: All Criteria Met

County Commissioner Derek Dieter spoke briefly about Ray Snyder and the impact he made in the community.

RATIFY APPROVAL AND/OR RELEASE CONTRACTOR, EXCAVATION, AND OCCUPANCY BONDS

The Division of Engineering Permit Department recommended that the following bonds be ratified pursuant to Resolution 100-2000 and/or released as follows:

Business	Bond Type	Approved/Released	Effective Date
Willie J. Clark dba Clark Construction and Concrete	Contractor	Approved	July 25, 2024
Stan & Ted’s Lawnmower sales, services, and more	Contractor	Approved	September 16, 2024

VP Molnar made a motion that the bond’s approval and/or release as outlined above be ratified. Mr. Miller seconded the motion, which carried by roll call.

RATIFY PREAPPROVED CLAIMS PAYMENTS

VP Molnar stated the Board received notices of the following preapproved claim payments from the City’s Department of Administration and Finance:

Name	Date	Amount of Claim
City of South Bend Claims GBLN-0087409, GBLN-0088158; GBLN-0088171	August 30, 2024	\$3,026,537.23
City of South Bend Claims GBLN-0087588, GBLN-0088170	September 4, 2024	\$2,354,337.81



Name	Date	Amount of Claim
City of South Bend Claims GBLN-0088316	September 10, 2024	\$3,521,009.16

Each claim is fully supported by an invoice; the person receiving the goods or services has approved the claims; and the claims have been filed with the City Fiscal Officer and certified for accuracy. Therefore, upon a motion by VP Molnar, seconded by Mr. Miller, and carried by roll call, the Board ratified the preapproved claims payments.

#### PRIVILEGE OF THE FLOOR

**Resident Jerry Shearer, property owner of 833 E. Dubail**, posed a concern in the chat that he has not yet received a response to his last e-mail regarding the utility pole located on private property at 833 E. Dubail. He has a joint driveway agreement with 833. He asked if any of the city engineers were able to determine 1) whether a legal agreement of any type exists which provides for access to the pole on foot and/or by vehicle and 2) if the utility pole has ever been replaced?

President Maradik advised that it is an AEP pole, so any questions about legal access and any agreements that are in place or their plans for replacement would need to be addressed by AEP because the city does not own that pole and wouldn't be involved in any of that process.

Mr. Shearer asked if any engineers have talked to AEP regarding the pole. He added that he was told that the city would allow for clearing by AEP.

President Maradik noted that she was unaware if they've specifically talked to them about the pole relative to his concern, since it would be agreements that are not relative to the city. That would be something property owners would need to discuss with AEP since the city is not a party. She also stated that they could continue the conversation offline, but as she stated before the city would allow for clearing by AEP in the alley right-of-way behind the properties, but it would not be related to the pole itself.

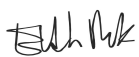
Mr. Shearer asked if an email could be sent to him describing this.

**Board Member Joseph Molnar** introduced Allison Doctor to the Board as a new Project Manager in charge of Environmental concerns in Brownfields.

#### ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 10:02 a.m.

CITY OF SOUTH BEND, INDIANA  
BOARD OF PUBLIC WORKS



Elizabeth A. Maradik, President



Joseph R. Molnar, Vice President



Gary A. Gilot, Member



Briana Micou, Member



Murray L. Miller, Member



Attest: Theresa M. Heffner, Clerk

Date: October 8, 2024